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THOMAS PATTON

MR. PATTON: Thank you.

1... Ladies and Gentlemen, my name is Thomas M. Patton. I am Nevada's first Assistant Attorney General. I am here to make some brief comments on behalf of Attorney General Frankie Sue Del Papa, who is unavoidably absent as she is attending another important meeting today in California with Attorney General Janet Reno and attorneys general from around the country with regard to high-tech crime.

As you are aware in late 1987, Congress singled out Nevada as the sole site to be examined for suitability to construct the country's first high-level nuclear waste repository. In taking this action, Congress essentially disregarded the selection process mandated by the Nuclear Waste Policy Act. Instead of scientifically evaluating the suitability of at least three potential sites, Congress determined that Yucca Mountain is the only site to be studied for such a facility. In 1989, the Nevada legislature responded to this injustice by passing a law specifically forbidding anyone, including the Federal Government, from storing high-level nuclear waste in Nevada. This action was designed to protect the health and safety of Nevadans and to protect our unique economy from the negative impacts that will surely follow the construction of a nuclear repository at Yucca Mountain.

2 In our view, the Yucca Mountain Project and the Draft Environmental Impact Statement evaluating it are seriously flawed in numerous respects. First, the underlying premise of the Nuclear Waste Policy Act is to develop a high-level nuclear waste repository in a location which, because of its unique geologic features, will ensure isolation of radioactive waste from the human environment. Incredibly this fundamental premise of relying on geologic isolation has been completely abandoned. Instead the Yucca Mountain Project relies primarily on manmade engineered barriers which cannot ensure isolation of the waste for an adequate period of time. Furthermore, Yucca Mountain is an extremely complex geologic area that has been and continues to be subject to frequent earthquakes, hydrothermal upwelling and volcanic activity.

3 Secondly, the Draft Environmental Impact Statement does not describe the proposed project in a way that allows for reasonable analysis of its impacts. The document contains a number of design alternatives and options from which the Department of Energy will presumably choose. All of the design alternatives admittedly and inevitably result in releases of radionuclides from the repository into Nevada's groundwater. The end result will be contamination of both drinking water and water used for agriculture. The Draft Environmental Impact Statement simply does not inform the public what the future risks of the repository are to people and to the environment.

4 Third, the Draft EIS fails to identify, to describe and to analyze the impacts associated with transportation of nuclear waste. This deficiency exists despite the fact that the document is intended to be used in the future to select transportation routes from seventy-seven individual waste sites to Yucca Mountain. Over fifty million residents who live within one-half mile of transportation routes are not informed by this Draft EIS that they are within harm's way and they are not afforded the opportunity to comment in a meaningful way about transportation decisions that could profoundly impact their well-being. The truth is that over eighty percent of this country's high-level nuclear waste is generated east of the Mississippi and the Yucca Mountain Project will expose a vast -- will expose a vast portion of this country's environment and millions of its citizens to an unacceptable and unnecessary risk.

5 Fourth, the Draft Environmental -- Environmental Impact Statement is seriously deficient in its analysis of socioeconomic factors critical to Nevada. It is well documented that people's negative perceptions of nuclear waste can translate into damaging consequences of Nevada's tourism industry. The Draft EIS ignores the impacts associated with perceived risk and stigma and fails to consider the negative impacts to Las Vegas and other tourist destinations in this state.

MR. LAWSON: Thirty seconds, please.

6 MR. PATTON: [Finally, the Draft Environmental Impact Statement utterly fails to address irrefutable evidence relating to the upwelling of hydrothermally driven groundwater at the Yucca Mountain site. This evidence is presently being corroborated by a joint Department of Energy/State of Nevada committee chaired by University of Nevada at Las Vegas Professor Gene Klein. The scientific fact is that geologically frequent intrusions of hydrothermally dry fluid -- hydrothermal fluid driven from great depths inside Yucca Mountain could cause an environmental disaster of dramatic proportions. This condition alone renders Yucca Mountain unsuitable for development of a high-level radioactive and spent fuel repository.]

7 [As it is currently constituted, the Draft EIS is both substantively and legally deficient. It is far from technically adequate. The Department of Energy has no credible and no conscionable choice but to redo the document, reissue it in draft form and to hold a new round of public hearings. Thank you for this opportunity to express the concerns of Nevadans.]